

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RITE AID HDQTRS CORP.,</b>	:	<b>CIVIL ACTION NO. 1:10-CV-0129</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>VUPOINT SOLUTIONS,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 5th day of February, 2010, upon consideration of plaintiff's motion (Doc. 10) for entry of default, wherein plaintiff asserts that defendant failed to file a responsive pleading as required by law, (id.), and it appearing that defendant was served with the complaint and summons on December 28, 2009, (see id.), and that defendant removed the case to this court on January 20, 2010 (see id., Doc. 1), and that defendant filed an answer to the complaint on February 2, 2010, (see Doc. 11), it is hereby ORDERED that plaintiff's motion (Doc. 10) for entry of default is DENIED. The court shall CONSTRUE defendant's answer as timely filed.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge